

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ROWLAND GUREJE,

Plaintiff,

-against-

THE CITY OF NEW YORK, P.O. ARMANDO URBINA
of the 81st Precinct, and Officer MICHELE ANTONIATO
& Lieutenant JASON LIZIO of the 113th Precinct,

**DECLARATION OF
DUANE G. BLACKMAN
IN SUPPORT OF
DEFENDANTS'
APPLICATION FOR
COSTS AGAINST
PLAINTIFF**

08 CV 3408 (TLM)(CLP)

Defendants.

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DUANE G. BLACKMAN, declares pursuant to 28 U.S.C. §1746 and under penalty of perjury that:

1. I am an Assistant Corporation Counsel in the Office of the Corporation Counsel of the City of New York, counsel for the defendants in this action. I, along with Assistant Corporation Counsel Virginia Nimick, was one of the attorneys assigned to represent defendants in this action. As such, I am familiar with the facts and circumstances set forth herein.

2. I submit this Declaration in support of defendants' Bill of Costs and defendants' application for an award of costs against plaintiff Rowlan Gureje ("plaintiff," suing herein as "Rowland Gureje") in this action.

3. On or about August 20, 2008, plaintiff commenced the instant action by filing a complaint in the United States District Court for the Eastern District located at 225 Cadman Plaza East, Brooklyn, New York, 11201 ("the Court") in which he alleged violations of his constitutional rights in connection with two separate arrests, the first occurring on June 20, 2007 and the second occurring on May 20, 2008. In particular, plaintiff alleged pursuant to 42 U.S.C. § 1983, inter alia, federal claims of false arrest and malicious prosecution.

4. On or about December 10, 2008, plaintiff filed an amended complaint which named in the caption previously unidentified police officers as Police Officer Michele Antoniato and Lieutenant Jason Lizio of the 113th Precinct.

5. On June 25, 2012, a jury trial for this action commenced in the United States District Court for the Eastern District of New York before the Honorable Tucker L. Melancon, Visiting Judge, on all the plaintiff's claims.

6. On June 27, 2012, the jury trial concluded with a verdict in favor of defendants on all claims. On the same date, the Clerk of the Court executed and entered Judgment, a copy of which is annexed hereto as **Exhibit "A"**.

7. Defendants now seek an award of costs in the amount of \$1,930.00 as the prevailing party in accordance with Rule 54(d)(1) of the Fed. R. Civ. P. and Rule 54.1 of the Local Civil Rules of the Eastern District of New York for the following items. The costs claimed are correctly stated, are allowable by law, and were necessarily incurred as stated herein. Attached hereto as **Exhibit "B"** is the Bill of Costs dated July 25, 2012.

8. Defendants submit a bill for the cost of the deposition transcript of plaintiff, Rowland Gureje, that was necessary for use at trial, including, but not limited to, the cross-examination of the plaintiff, the direct examination of defendants, and for the preparation of defendants' further argument at the close of evidence. Defendants are entitled to these costs in the amount of \$603.00 as the prevailing party. A true copy of the invoice from the court reporter is annexed hereto collectively as **Exhibit "C"**.

9. Defendants submit a bill for the cost of the deposition transcripts of non party witnesses, Abayomi P. Ikotun and Ademola Adeboun, both deposed on September 1, 2009, which were obtained during discovery and necessary for use at trial, including, but not limited to, the cross-examination of the plaintiff, the direct examination of defendants, and for the

preparation of defendants' further argument at the close of evidence. Defendants are entitled to these costs in the amount of \$420.50 as the prevailing party. A true copy of the invoice from the court reporter for both deposition transcripts annexed hereto collectively as **Exhibit "D"**.

10. Defendants submit a bill for the cost of the deposition transcript of non party witness, Natalie Forrest, deposed on December 3, 2009, which was obtained during discovery and necessary for use at the trial, including, but not limited to, the cross-examination of the plaintiff, the direct examination of defendants, and for the preparation of defendants' further argument at the close of evidence. Defendants are entitled to these costs in the amount of \$217.50 as the prevailing party. A true copy of the invoice from the court reporter for both deposition transcripts annexed hereto collectively as **Exhibit "E"**.

11. Defendants submit a bill for the costs of its private investigators for its services in locating non party witnesses for the purposes of obtaining deposition testimony during discovery and for obtaining testimony for trial, and necessary for use at trial for the cross-examination of the plaintiff, and as well as for the preparation of defendants' further argument at the close of evidence. Defendants are entitled to these costs, including statutory subpoena fees, in the amount of \$669.35 as the prevailing party. A true copy of the invoice from the investigators, E.R. Quinn Co., Inc., is annexed hereto as **Exhibit "F"**.

12. Further, defendants are entitled to an additional \$20.00 pursuant to 28 U.S.C. §1923.

WHEREFORE, it is respectfully requested that the Clerk issue an order granting defendants costs in the amount of \$1,930.35.

Dated: New York, New York
July 26, 2012



Duane G. Blackman
Assistant Corporation Counsel